

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6578 of 2007()

CMP.2744/2007 of J.M.F.C., MANNARKAD
CRIME NO.117/07 OF AGALI POLICE STATION
.....

: PETITIONER/ACCUSED

KUNHUKUTTY, S/O MADHAVAN, AGED 42 YEARS,
MANGALASSERRY VEEDU, CHUNDAKULAM, CHITTUR,
AGALI, MANNARKAD, PALGHAT.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS: COMPLAINANT

STATION HOUSE OFFICER,
AGALI POLICE STATION, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No. 6578 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether there are 4 accused persons. They face allegations under the Kerala Abkari Act. They were allegedly transporting 270 litres of arrack in a vehicle driven by the petitioner when the vehicle was intercepted by the police on 27.09.07. All the others took to their heels. The petitioner, the driver of the taxi vehicle alone was available for arrest. He continues in custody from 27.09.07. The learned Public Prosecutor submits that the petitioner has no history of any criminal antecedents.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigator is granted reasonable further time to complete the investigation and I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 03.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-